# IN THE SUPREME COURT OF ALABAMA October 30, 2009

#### ORDER

IT IS ORDERED that Appendix B to Rule 20, Alabama Rules of Judicial Administration, be amended to read in accordance with the Appendix to this order;

IT IS FURTHER ORDERED that this amendment is effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 20:

"Note from the reporter of decisions: The order amending Appendix B to Rule 20, effective October 30, 2009, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_\_\_ So. 3d."

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 30th day of October, 2009

Clerk, Supreme Court of Alabama

# APPENDIX

# APPENDIX B. SUPREME COURT'S EXTENDED SCHEDULE OF FINES

CONSERVATION Game & Fish: Code Section or Regulation No.:	Offense	Scheduled Fine
9-11-45(e)	Hunting on state-operated wildlife- management areas without special annual management-area license	\$25 (residents)  Not less than 3 times the cost of license (nonresidents)
9-11-51(a)	Hunting without a license (resident)	\$75
9-11-51(b)	Lending or transferring hunting license to another	\$75
9-11-51(c)	Hunting without a license (nonresident) <sup>2</sup>	Not less than 3 times the cost of the nonresident license
9-11-53(a)	Fishing without a license (resident-ages 16-65)	\$50
9-11-55	Fishing without a license (nonresident, 16 years of age or older, annual)	\$75
9-11-56	Fishing without a license (nonresident, 16 years of age or older, trip)	\$50
9-11-56.3(f)	Fishing without a saltwater-pier fishing license	\$50
9-11-56.3(f)	Operating a fishing pier without a license as required by Section 9-11-56.3(a)	\$2,000
9-11-59(a)	Trapping without a license	\$250
9-11-59(b)	Trapping without tagged traps	\$250
9-11-87	Taking game fish by means other than hook and line, etc.	\$250
9-11-91(a)	Fishing without a permit in a private pond (ordinary fishing tackle)	\$250

9-11-91(a)	Taking fish from private ponds, without a permit, by traps, hook and line, or rod and reel	\$250
9-11-93	Taking fish from public waters by poisons or explosives	\$500
9-11-171	Spearing of commercial or nongame fish without license	\$25
9-11-232	Possession, sale, purchase, etc., of protected wild birds, their eggs, plumage, or any body part	\$100
9-11-237	Selling, buying, or offering to sell any part of game bird or animal without license	\$250
9-11-238	Hunting wild turkey with dogs	\$50
9-11-242	Hunting/Trapping without a permit (nighttime)	\$1,000 (1 <sup>st</sup> Offense)
9-11-244	Hunting by aid of bait (deer and wild turkey)	
9-11-244	Hunting by aid of bait (small game)	\$25
9-11-254	Exceeding limit of traps for one day for fur-bearing animals	\$25
9-11-266	Failing to check traps within time limit; suspending bait over or within 25 feet of a steel trap	\$100
220-201	Running dogs during and in area of spring turkey season	\$100
220-201(1)(a)	Running deer with dogs during stalk-hunting-only season	\$200
220-202	Using illegal firearms or ammunition for hunting	\$50
220-202(1)(b)	Refusal to submit firearm for inspection	\$50
220-202(4)	Hunting migratory game birds with unplugged guns	\$50
220-207	Hunting game animals outside of legal hours	\$150
220-210	Possession of firearms while bow hunting	\$150
220-211		\$250

220-285	Failure to wear hunter orange	\$50 
220-255(1)(h)	Possession of loaded firearm in vehicle while on management area	\$25 
220-255(1)(a)	Hunting, etc., on management area without permit	\$25
220-244	Taking of fish by prohibited means	\$200
220-236(3)	Leaving child under 12 years of age unattended at state fishing lake	\$25
220-236(2)	Taking fish from public lakes without permit	\$25
220-235	Possession of over the legal creel limit	\$75
220-231	Hanging or suspending bait over or within 25 feet of steel trap	\$100
220-221	Unauthorized possession of bow, arrow, or firearm	\$25
220-218	Exceeding the bag limit $(small\ game)^3$	\$50
220-218	Exceeding the bag limit (big game) $^3$	\$250
220-215	Destroying sex of deer or wild turkey	\$200
220-214	Taking unantlered deer	\$250
220-212	Refusing to allow inspection of hunting coat, game bag, etc.	\$100

MARINE SAFETY: Code Section or Regulation No.:	Offense	Scheduled Fine
33-5-9	Operating vessel without current registration displayed	\$10
33-5-22(a)	Operating vessel with improper or no safety devices or lights	\$25
33-5-22 (d)	Skin divers; no diver flag	\$25
33-5-23(a)	Operating vessel with improper muffler	\$10
33-5-26(a)	Towing person on skis, etc., without observer	\$100

# at least twelve (12) years of age or without a rearview mirror with a minimum of 78 square inches of viewing surface

	inches of viewing surface	
33-5-26(b)	Towing person on skis, etc., between hours of from one hour after sunset to one hour before sunrise	\$100
33-5-26(d)	Towing person on skis, etc., so as to cause person to collide with or strike against any object or person	\$100
220-602(1)(b)	Rented/leased vessels, lease or rental agreement not on board	\$50
220-603(1)(d)	No identification number and no current year decal on vessel	\$50
220-607(1)	Failing to comply with water traffic "rules of the road"	\$50
220-608(1)	Operating vessel with improper signal devices	\$50
220-609(1)	Operating boat without proper lights	\$50
220-610(1)	Operating vessel with improper fire extinguisher or no fire extinguisher	\$50
220-611(1)	Operating boat with insufficient personal flotation device	\$50
220-618(1)	Operating or permitting operation of vessel towing person without proper personal flotation device	\$50
220-618(2)	Water skiing without proper personal flotation device	\$50
220-619(4)	Failure to comply with restrictive signs	\$50
220-620(1)	Failure to wear personal flotation device within 800 feet of dam	\$50
220-621(1)	Permitting a person under age 12 to operate a vessel	\$50
220-622(1)	Operating vessel with no flame arrestor or backfire trap on carburetor	\$50
220-623(1)	Operating vessel with excessive noise level (86 decibels)	\$50
33-5-51(b)	Failure to wear personal flotation device while operating, riding on, or being towed by personal watercraft	\$25
33-5-51(c)	Failure to have engine cut-off switch lanyard attached to operator of personal watercraft	\$25
33-5-51(d)	Reckless operation of personal watercraft	\$150 

33-5-51(e)	Person under the age of 12 operating a personal watercraft	\$25
33-5-51(f)	Giving permission to operate personal watercraft in violation of § 33-5-51	\$25
33-5-51 (g)	Towing person by personal watercraft without proper rearview mirror	\$25
33-5-52(a)	Operating vessel without boater certification	\$100
33-5-59	Failure to have certification in possession	\$50
33-5-64 (b)	Making false affidavit to obtain duplicate certificate	\$50

TITLE 13A OFFENSES: Code Section:	Offense	Scheduled Fine
13A-7-29(a)(4)	Criminal littering	\$250 (1 <sup>st</sup> Offense)
13A-8-61	Removal of shopping carts	\$100
13A-8-62	Abandonment of shopping carts	\$100
13A-8-121	Theft of cable TV services	\$200
13A-9-17(a)	Unlawfully using slugs	\$100
13A-10-6(a)	Refusing to assist in fire control	\$100
13A-11-9(a)	Loitering	\$50
13A-11-222(a)	Unlawfully refusing to yield party line	\$50
13A-11-223(a)	Falsely requesting use of party line for emergency	\$50
13A-11-224	Storing gunpowder in city or town	\$100

FEDERAL MOTOR CARRIER SAFETY REGULATIONS: Regulation No.: 49 C.F.R.:		Offense	Scheduled Fine
	I. Mechanical Defe	ects	

393.11	Failing to equip vehicle with required lights and reflectors	\$50
393.19(a)	Failing to equip vehicle with turn signals	\$25
393.24(b)	Failing to equip bus, truck, or truck tractor with two headlamps	\$25
393.25(f)	Failing to equip vehicle with operative stop lamps	\$25
393.30	Failing to cover storage battery	\$50
393.33	Failing to place electrical wires properly	\$25
393.42(a)	Failing to equip vehicle with required brakes	\$25
393.45(a)(4)	Failing to secure brake hose or tubing against chafing, kinking, or other mechanical damage	\$25
393.46(b)	Failing to prevent leaks, constrictions, or other defects in brake hose or tubing connections	\$25
393.47	Failing to equip vehicle with adequate brake linings	\$25
393.48(b)	Failing to equip vehicle with operative brakes (i.e., devices to use when brakes do not work)	\$50
393.51(a)	Failing to equip brake system with warning device	\$25
393.52(a)(1)	Failing to have proper braking force	\$50
393.60(a)	Failing to conform to glazing windshield requirements	\$50
393.65(b)	Failing to place fuel system in right place	\$50
393.65(c)	Failing to securely attach fuel tank to motor vehicle	
		\$25
	Failing to equip vehicle with fuel tank free of leaks	\$50
393.70(b)(1)(i)		\$50
	Failing to mount upper half of fifth wheel securely on a truck-tractor or converter dolly	\$50
393.75(a)	Failing to place proper tires on vehicle	

393.78(a)	Failing to place proper windshield wipers on vehicle	\$50
393.80(a)	Failing to place proper rearview mirrors on vehicle	\$50
393.83(a)	Operating vehicle with improperly located exhaust system	\$50
393.83(c)	Gasoline-powered bus with exhaust discharging more than 6" forward of the rearmost part of bus	\$50
393.83(d)(1)	Diesel-powered bus with exhaust discharging more than 15" forward of the rearmost part of the bus	\$50
393.83(e)	Truck or truck-tractor with exhaust not discharging at rear of cab	\$50
393.86(a)	Failing to install bumpers or devices for rear-end protection	\$50
393.87	Failing to place red flag on projecting loads	\$50
393.92	Failing to post emergency door signs in bus	\$25
393.93(a)(1)	Failing to equip vehicle with seat belt for driver (buses)	\$25
393.93(b)(1)	Failing to equip vehicle with seat belt for driver (trucks/truck-trailers)	\$25
393.95(a)	Failing to equip vehicle with emergency equipment	\$50
393.100(a)	Failing to secure cargo properly	\$50
393.106(a)(1)	Failing to provide headerboard for vehicle	\$25
	II. Trucking Offenses	
172.205(a)	Offering, transporting, transferring, or delivering hazardous waste without proper manifest	\$200
172.205(c)	Failing to have hazardous-waste manifest copy dated and signed by carrier and shipper	
	Failing to display ID number on placard in conformance with requirements	
172.332(b)	Failing to display orange ID panel in conformance with requirements	\$150
172.336(b)	Failing to properly display ID number for hazardous material in hazardous class not requiring placards	\$200
172.502(a)(1)	Placarding a vehicle that is not transporting a hazardous material	\$50

173.33(a)(1)	Transporting hazardous material in unauthorized cargo tank	\$500
177.801	Transporting or accepting shipment of hazardous material not in proper condition for transportation	\$500
177.817(a)	Transporting shipment of hazardous material without properly prepared shipping papers	\$150
177.817(e)	Failing to maintain proper accessibility of shipping papers	\$150
177.823(a)	Failing to placard motor vehicle	\$200
177.870(b)	Transporting unauthorized hazardous material in a passenger-carrying vehicle	\$500
	III. Driver Qualifications	
391.11(b)(5)	Using driver without current valid operator's license/permit	\$100
391.41(a)		\$25
	IV. Driving of Motor Vehicles	
392.3	Driver operating vehicle while ill or fatigued	\$50
392.9(a)(1)	Driver operating vehicle with an unsafe load	\$50
392.14	Driver operating vehicle without caution during bad weather	\$50
392.16	Driver failing to use seat belt	\$25
392.60(a)	Transporting unauthorized passengers	\$25
	V. Hours of Service	
395.3(a)(1)	Requiring or permitting driver to drive more than 10 hours following 8 consecutive hours off duty	
395.3(a)(2)	Requiring or permitting driver to drive after having been on duty 15 hours following 8 consecutive hours off duty	
395.3(b)(1)	Driving after having been on duty 60 hours in 7 consecutive days	
395.3(b)(2)	Driving after having been on duty 70 hours in 8 consecutive days	\$100
395.8(a)	Driver's record of duty status required	
	Allowing a driver out of service to operate vehicle	\$50

	VI. Inspection and Maintenance	
396.7(a)	Operating a vehicle that is in an unsafe condition	\$50
396.11(c)(1)	Failing to certify that repairs were made or were not necessary	\$10
396.11	Failing to carry copy of last vehicle inspection report on vehicle to the power unit	\$10
396.13(c)	Failing to require driver to sign vehicle inspection report	\$10
397.19(a)(1)	Failing to furnish copy of Part 397 Rules to driver of vehicle containing Division 1.1, 1.2, or 1.3 explosive materials	\$100

REVENUE VIOLATIONS: Code Section:	Offense	Scheduled Fine
40-12-198 (b)	Gasoline Transport Document Violation	\$500
40-12-198 (m)	Improper Untaxed Dyed Fuel Use \$3	1,000
40-12-260(a)	Having license plates issued to another vehicle	\$50
40-12-260(a)(3)	Failure of new owner of vehicle to surrender a license plate not removed by the previous owner on a recently purchased/acquired vehicle	\$200
40-12-260(a)(4)a.	Failure of new owner of vehicle to purchase/re-register/transfer the license plate within 20 calendar days of purchase or acquisition of vehicle	
40-12-260(b)(1)	No current and valid Alabama motor- vehicle registration receipt in vehic	
40-12-260(b)(3)	Failure/refusal to present current and valid Alabama motor-vehicle registrat receipt to law-enforcement officer	
40-12-262(b)	No required current and valid Alabama license plate or registration documen for vehicle registered pursuant to th Internation Registration Plan (I.R.P.	t e
40-12-262(e)	No I.R.P. cab card/no temporary trip permit	\$200
40-12-262(f)	Altered I.R.P. cab card/altered	\$200

### temporary trip permit

	temporary trip permit	<b>-</b>
40-12-264(c)	Unlawful use of dealer by dealers on rental tow trucks, service t service vehicles	or lease vehicles,
40-12-264(c)	Unlawful use of dealer by other than dealers full-time salesperson	ship owners and
40-12-264(c)	Unlawful use of dealer by prospective purcha 72 hours	
40-12-265 (a)	Mutilating/altering tag	g \$50
40-12-265(c)	Operating a vehicle wi license plate/valida display of plate or	tion stamp/improper
40-12-290(e)(1)	Unlawful use of vintage license plate	e vehicle \$200
40-12-290(e)(1)	Unlawful use of antique or tag issued prior	
40-17-150(g)	Having no fuel identif displayed; no copy o Fuel Tax Agreement ( vehicle; improperly IFTA fuel decals (2)	f International IFTA) license in displayed IFTA; no
40-17-150(h)	Invalid trip permit	\$50
PUBLIC SERVICE COMMISSION MOTOR CARRIER: Code Section or Regulation No.:	Offense	Scheduled Fine
	Public Service Commission Violati	
37-3-10	Hauling for hireNo APSC authorityCommon carrier	\$100First Offense \$500Subsequent Offense(s)
37-3-12	Violation of APSC certificate	\$100First Offense \$500Subsequent Offense(s)
37-3-13	Hauling for hireNo APSC	\$100First Offense

#### authority--Contract carrier

	authoritycontract carrier	\$500Subsequent Offense(s)
37-3-13	Violation of APSC permit	\$100First Offense \$500Subsequent Offense(s)
37-3-15	Unlicensed broker	\$100First Offense \$500Subsequent Offense(s)
37-3-25(c)	Aiding and abetting in a violation of Motor Carrier Act	\$100First Offense \$500Subsequent Offense(s)
37-3-25 (g)	Failure to maintain or falsification of a required record	\$100First Offense \$500Subsequent Offense(s)
3.3(A)	Spot lease decal not displayed	\$10
3.3(A)	No spot lease decal	\$25
3.3(A)	No trip lease on/in vehicle	\$10
3.3(B)	Improper spot lease decal	\$10
3.3(B)	Trip lease decal removed	\$25
3.11	Improper letteringtaxi	\$10
3.21(d)	No form D cab card	\$10
3.21(d)	Improper form D cab card	\$10
3.21(f)	No state stamp	\$25
3.21(f)	Improper state stamp	\$10

PUBLIC SERVICE COMMISSION MOTOR CARRIER: Regulation No.:	Offense	Scheduled Fine
3.22(a)	Improper letteringIntrastate only truck/bus	\$10
3.22(b)(i)	Improper letteringInterstate only truck/bus	\$10
3.22(b)(ii)	Improper letteringICC exempt truck/bus	\$10
3.22(c)	Improper letteringICC & APSC authorized	\$25

truck/bus

3.215(a)	No single state registration receipt	\$50
3.215(c)	Improper single state registration receipt	\$50
3.215(f)	Falsified single state registration receipt	\$25
8.31	No shipping document	\$10
8.32	Improper shipping documents	\$10
8.4	Failure to preserve shipping documents	\$10
12(a)	Improper lease	\$10
12 (b)	No lease on/in vehicle	\$10
12 (d)	Failure to prepare and maintain safety inspection report on leased vehicle	\$10
12 (e)	Improper identification of leased vehicle	\$10
12(f)	Failure to remove identification after termination of lease	\$10
17.24	Possession and/or use of controlled substance	\$100
17.25	Possession and/or use of intoxicating liquor	\$100
17.26(b)	Speeding	\$50
17.29	Unsecured load	\$20
17.29(a)	Corrective Lens/Hearing Aid	\$50
17.53(a)	Exceeding maximum driving hours, driver	\$100
17.53(b)	Exceeding maximum on-duty hours	\$100
17.58(a)	Improper logbook	\$20
17.58(a)	No logbook	\$50
17.59(i)	Out-of-service (36 hours late)	\$50
	Unsafe operations (cumulative)	\$100
	Operating out-of-service vehicle	\$100
17.70	Hazardous material, marking	\$100
	No driver's license	\$100
17.141(c)	No medical card	\$10
17.210	Failure to stop at railroad crossing	\$20
	No seat belts	\$10
17.220	Unattended vehicle, brakes	\$25

17.261(a)	Unauthorized driver	\$100
17.261(b)	Unauthorized passenger	\$25
17.266	Carbon monoxide presence	\$50
17.311	Improper lamps, reflectorssmall vehicles	\$10
17.312	Improper lamps, reflectorslarge buses and trucks	\$10
17.313	Improper lamps, reflectorstruck-tractors	\$10
17.314	Improper lamps, reflectorslarge semi-trailers and full trailers	\$10
17.315	Improper lamps, reflectorssmall semi-trailers and full trailers	\$10
17.316	Improper lamps, reflectorspole trailers	\$10
17.317	Improper lamps, reflectorscombinations in driveaway-towaway operations	\$10
17.318	Improper lamps on motor vehicles with projecting loads	\$10
17.342	Improper brakes (all axles equipped)	\$25
17.343	No breakaway	\$20
17.351	No low air warning vehicle	\$20
17.365(f)	Improper fuel lines	\$10
17.376	Improper tires	\$10
17.378(a)	Improper windshield (cracked)	\$50
17.379	Improper windshield wipers	\$10
17.380	Improper mirrors	\$10
17.381	Improper horn	\$10
17.382	Improper speedometer	\$10
17.383	No flag on end of load	\$20
17.385	No mudflaps on truck	\$50
17.385	Missing or improper mudflap on truck	\$20
17.390(A)	Improper, inoperative fire extinguisher	\$50
17.390(B)	No spare fuses	\$20
17.391(A)	Shifting, sifting, or falling cargo	\$20
17.391(B)	No tarpaulin	\$20

19.2(A)	No APSC registration or state stamp	\$20
19.728	Unauthorized driver, employee, or agent	\$50
	Other unauthorized driver	\$100
49 CFR 376.11		\$10
	Improper lease	\$10
	Improper identification of vehicle	\$10
ALCOHOLIC BEV- ERAGE CONTROL (ABC) BOARD OFFENSES: Cod Section:		Scheduled Fine
28-1-3.1(b)	Possession of alcoholic beverages purchased on a military base in excess of the legal limit	
28-3-19	Refusal of inspection	\$200
28-3-20	Violation of ABC Board rules and regulations	
28-3A-25(a)(3)	Unlawful sale or delivery of alcoholic beverages to a minor by any person, licensee, or the board; unlawful permission by licensee to allow minor to drink, consume, or possess any alcoholic beverage on the licensee's premises	\$500 (1 <sup>st</sup> Offense)
28-3A-25(a)(6)	Refusal by licensee, servants, agents, or employees to allow board, its employees, or any duly commissioned law-enforcement officer the right to completely inspect the entire licensed premises during business hours	\$300 (1 <sup>st</sup> Offense)
28-3A-25(a)(13)	Unlawful delivery of alcoholic beverages in vehicles not marked as prescribed by law by any manufacturer, importer, or wholesaler, servant, agent, or employee of the same	\$200 (1 <sup>st</sup> Offense)
28-3A-25(a)(14)	Unlawful sale of alcoholic beverages within a dry county, except in a wet municipality located in a dry county	\$250 (1 <sup>st</sup> Offense)
28-3A-25(a)(15)	Unlawful sale of alcoholic beverages without a license to do so, or possession of alcoholic beverages for sale without a license	\$250 (1 <sup>st</sup> Offense
28-3A-25(a)(20)	beverages on Sunday, after the hour of 2 o'clock a.m., except where authorized by law	\$250
28-3A-25(a)(21)	Knowing permission of sale, consumption, etc.	\$250

of alcoholic beverages on Sunday after the
hour of 2 o'clock a.m. by proprietor, keeper,
or operator of a public place, except where
authorized by law

		<b></b>
28-4-20	Unlawful sale, offer for sale, possession, barter, exchange, etc. of prohibited beverages	\$250 (1 <sup>st</sup> Offense)
28-4-200	Unlawful possession of tax-paid alcoholic beverages in a motor vehicle or residence over the quantity allowed by law in a dry county	\$250
13A-12-3	Unlawful sale, barter, exchange, etc. of any cigarettes, cigarette tobacco, cigarette paper, or any substitute for either of them to a minor	\$25
28-11-8	Unlawful sale of any tobacco or tobacco products without first obtaining a permit to do so	\$250 (1 <sup>st</sup> Offense)

ALABAMA DEPARTMENT OF PUBLIC HEALTH: Code Section:	Offense	Scheduled Fine
3-7A-12	Refusal to comply with quarantine of for dog or cat issued by rabies or health officer	
3-7A-12	Refusing to produce for immunization animal for which anti-rabies vacourecognized and recommended	<u> </u>
22-17A-8	Operation of tattoo facility withou license	ıt \$100
22-20-5/22-2-14	Operation of food establishment wit permit	thout \$500
22-26-6	Onsite sewage system failure (posit outlet observed or direct discharsewage from residence)	
22-26-6	Installation of onsite sewage systemetric without valid permit	em \$500
22-37A-7	Performance of lead-hazard reduction activities without Safe State accreditation (individual)	on \$500
22-37A-7	Performance of lead-hazard reduction activities without certification	

SMOKING IN A PUBLIC PLACE:

Offense

Scheduled Fine

Code Section:

\_\_\_\_\_ Smoking in a Public Place \$25

22-15A-4

-----¹The cost of a nonresident license for hunting deer and wild turkey on management areas is \$15 plus the cost of the hunting license. See n.2 (Section 9-11-45(a), as amended by Act No. 2000-742, Ala. Acts 2000).

<sup>2</sup>The following are the costs of hunting licenses for nonresidents 16 years of age or older:

Small game (except deer and turkey) -- annual: \$75 (Section 9-11-46, as amended by Act No. 2000-742); trip: \$45 (10-day trip); \$30 (3-day trip) (Section 9-11-48, as amended by Act No. 2000-742).

All game--annual: \$250 (Section 9-11-47, as amended by Act No. 2000-742); trip: \$125 (10-day trip); \$75 (3-day trip) (Section 9-11-49, as amended by Act No. 2000-742).

<sup>3</sup>Bag limits are specifically provided in other regulations.